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BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

CARL J. KUNASEK
CHAIRMAN

JIM IRVIN

COMMISSIONER

WILLIAM A. MUNDELL
COMMISSIONER

MAR - 6 2000

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IN THE MATTER OF THE APPLICATION OF
KENNETH R. MAGNESS dba K & P
COMMUNICATIONS FOR THE SALE OF
ASSETS AND CANCELLATION OF THE
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE CUSTOMER-OWNED
PAY TELEPHONE SERVICE IN THE STATE OF
ARIZONA.

DOCKET NO. T-03625A-00-0069

DECISION NO. 62354ORDER

Open Meeting
March 1 and 2, 2000
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. Kenneth R. Magness dba K & P Communications ("Applicant") has a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona pursuant to Decision No. 61221 (October 10, 1998).

2. On February 1, 2000, Applicant filed with Docket Control of the Commission an application for approval of the cancellation of the Certificate.

3. In Decision No. 55817 (December 10, 1987), the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.

4. Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.

5. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes rates and minimum service standards applicable to COPT service.

6. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT

1 Certificates without a hearing.

2 7. On February 7, 2000, the Commission's Utilities Division Staff ("Staff") filed a Staff
3 Report, recommending approval of the application to cancel Applicant's Certificate without a
4 hearing.

5 8. According to Staff, Applicant is no longer providing customer-owned pay telephone in
6 the State of Arizona.

7 **CONCLUSIONS OF LAW**

8 1. Applicant is a public service corporation within the meaning of Article XV of the
9 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

10 2. The Commission has jurisdiction over Applicant and the subject matter of the
11 application.

12 3. The cancellation of Applicant's Certificate is in the public interest.

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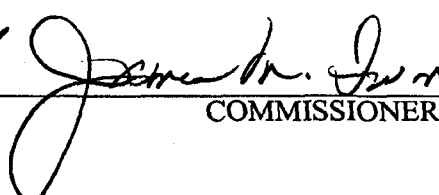
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ORDER

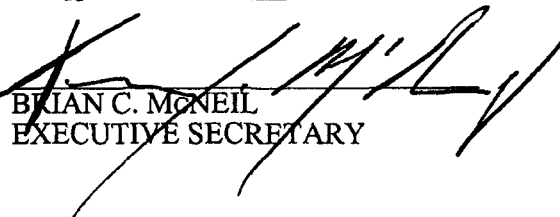
IT IS THEREFORE ORDERED that the application of Kenneth R. Magness dba K & P Communications for the cancellation of the Certificate of Convenience and Necessity to provide customer-owned pay telephone service shall be, and is hereby, approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

  
CHAIRMAN COMMISSIONER COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 14th day of March, 2000.


BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
JLR:dap

1 SERVICE LIST FOR:

KENNETH R. MAGNESS dba K & P COMMUNICATIONS

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3 DOCKET NO.

T-03625A-00-0069

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